IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.28 OF 2007

IN

CIVIL APPLICATION NO.732 OF 2006

IN

APPEAL FROM ORDER NO.566 OF 2006

M/s.Pramukh Development Corporation ...Applicant

Versus

Laxmi Industrial Estate & Ors. ...Respondents

.....

Mrs.Sindha Shreedharan for Applicant.

Mr.B.R.Zaveri for Respondent No.1.

.....

CORAM: A.M.KHANWILKAR, J.

JANUARY 25, 2007.

P.C.

1. It is not in dispute that the Trial Court has refused to set-aside the order dismissing the Suit.

2. As no substantive proceedings are pending before the lower Court, the question of granting

interim relief during the pendency of the Suit does not arise. For that reason, it is unnecessary to entertain the present Application.

3. Counsel for the Applicant, however, submits that the Applicant will take up the matter in Appeal against the order passed by the Trial Court and for that reason, hearing of the present Application be deferred till the decision on the Appeal.

4. Instead of accepting the above request of the Applicant, in my opinion, this Application can be disposed of with liberty to the Applicant to revive this Application in the event, the Applicant succeeds in the proposed appeal to be filed against the decision of the Trial Court.

5. Application disposed of accordingly.

A.M.KHANWILKAR, J.